

CITY OF PLATTSBURGH, NEW YORK
ZONING BOARD OF APPEALS
October 15, 2012 MEETING MINUTES

ZONING MEMBERS PRESENT: Chairperson Ronald Nolland,
Michelle LaBounty, Kathy Latinville,
Scott DeMane, Karl Weiss

ZONING MEMBERS ABSENT: Maurica Gilbert, Connie Fisher

ADMINISTRATIVE STAFF PRESENT: Joseph McMahon

ALSO PRESENT: Larry Brown (Appeal 1947)
Aaron Ovios, RMS (Appeals 1942, 1948, 1949)
Brian Mulcahy, Bombardier
(Appeals 1942, 1948, 1949)
David Roy, Architect, WLA
(Appeals 1942, 1948, 1949)

The Following Agenda Was Heard:

<u>APPEAL</u>	<u>APPLICANT</u>	<u>REQUEST</u>
1947	JANE LANIGAN, LARRY BROWN 91 BRINKERHOFF STREET	CLASS B VARIANCE CONNECT HOUSE TO GARAGE WITH AN ENCLOSED WALKWAY, TOO CLOSE TO SIDE YARD SETBACK
1942	BOMBARDIER MASS TRANSIT 71 WALL STREET	CLASS B VARIANCE ADDITION TO EXCEED ALLOWABLE HEIGHT
1949	BOMBARDIER MASS TRANSIT 71 WALL STREET	SPECIAL USE PERMIT TO ERECT 8 FOOT HIGH FENCE IN INDUSTRIAL DISTRICT
1948	BOMBARDIER MASS TRANSIT 71 WALL STREET	CLASS B VARIANCE FENCE IN REQUIRED FRONT YARD HIGHER THAN PERMITTED
1946	ADIRONDACK ADVERTISING, LLC 178 BROAD STREET	ADMINISTRATIVE REVIEW DETERMINATION OF SIGN SIZE AND BUSINESSES ADVERTISED

The City of Plattsburgh Zoning Board Meeting was called to order by Mr. Nolland at 7:04 p.m.

The order of the agenda was changed and the appeals were heard in this order:

Appeal 1947, Jane Lanigan, Larry Brown, 91 Brinkerhoff Street

Appeal 1949, Bombardier Mass Transit, 71 Wall Street

Appeal 1948, Bombardier Mass Transit, 71 Wall Street

Appeal 1942, Bombardier Mass Transit, 71 Wall Street

Appeal 1946, Adirondack Advertising, LLC, 178 Broad Street

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APPEAL # 1947

JANE LANIGAN, LARRY BROWN, CLASS B VARIANCE, 91 BRINKERHOFF STREET,
CONNECT HOUSE TO GARAGE WITH AN ENCLOSED WALKWAY, TOO CLOSE TO SIDE YARD SETBACK

Recording time: 00:2:10

Mr. Larry Brown was present for this appeal.

Mr. Nolland disclosed that he lives within 500 feet of this property. Three positive votes are needed to grant a variance. Mr. Nolland explained that the rule could be waived allowing five members to vote. Mr. Brown waived the rule.

If the breezeway was not connected, this project would not require a variance. It could be done, but would be difficult in regards to the support posts. The applicant would prefer to attach it. A Variance was granted previously in 2008 for a garage based on where her existing driveway was. This is an area variance and when a garage and house are connected with a breezeway, it becomes one building and is subject to the side yard setbacks of the building. This is for a 9 foot variance and if granted, the variance for an accessory structure would not be needed. A portion of the neighbor's driveway is on this property.

John Seiden, former Zoning Board Member, commented from the audience, commended the applicant for living in this area as a single residence within this off campus housing area. Mr. Seiden also stated that he felt the Board should grant the Variance because this is improving her property in this particular area because it's a good thing.

Mr. Nolland talked about keeping single family houses in this area, and this is someone who doesn't want to leave her home. This project has no impact on the neighbors next door.

Motion: To Approve Appeal # 1947, Jane Lanigan, Larry Brown, 91 Brinkerhoff Street, to grant a classB Variance, connect house to garage, with an enclosed walkway, too close to side yard setback.

Motion By: Mrs. LaBounty, Seconded By Ms. Latinville

All In Favor: 5

(Mr. Nolland, Ms. LaBounty, Mrs. LaBounty, Mr. DeMane)

Opposed: 0

Motion Granted

Recording Time: 00:12: 30

Zoning Board Comments

Mr. Nolland: Attaching an existing accessory structure in that neighborhood and are making it to look the same.

Mr. Weiss: Already had a previous appeal for garage, and now connecting the two.

Ms. Latinville: Has done a beautiful job maintaining it and it one of the few that looks nice on the street.

Mrs. LaBounty: Agrees with that.. the immediate neighbor had made their own issue with it being too close to the property line. The garage was already there, away from there, no impact.

Mr. DeMane: Can only help the neighborhood, like Mr. Seiden comments, anything that can help keep single family homes there.

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APPEAL 1942

APPEAL # 1942 BOMBARDIER MASS TRANSIT, CLASS B VARIANCE, 71 WALL STREET,
ADDITION TO EXCEED ALLOWABLE HEIGHT

Recording time: 00:16:40

Mr. Weiss recused himself for Appeals 1942, 1948 and 1949.

Aaron Ovios, RMS, Brian Mulcahy, Bombardier, David Roy, Architect, WLA, were present for all three appeals for Bombardier Mass Transit.

The proposed height is the same height as the existing building, 63'8", identical to existing structure, including roof top equipment. The equipment is exempt from the height restriction as long as it does not exceed 12' above the height, 56'8" exists now. This is a train manufacturing facility, rail cars are placed inside the building, and at each station a certain amount of work activity, takes place. There is a constant movement of cars side by side. Existing overhead cranes that run the length of the building, move the trains to the next station. There needs to be room for double decker cars to be moved. A variance was previously granted for the main plant to be built at that height. The trains need to be able to move the full length of the addition, and it needs to be constructed at the same height.

They want to clean up the existing chain link fence, replace with new. Bombardier's standard is a 6 foot chain link with a barbed wire on top. The 8 foot portion in the front yard along Main Mill Street for the benefit of the neighbors. Once it is in the side yard it is permitted under a Special Use Permit around the rest of the area board on board as a screening for the neighboring properties.

Equipment falls under an exemption as long as it doesn't exceed more than 10% of roof area or 12 feet of the height overall. The issue is the 56'8", allowed 48' in this district.

The Planning Board is the Lead Agency, determined a negative declaration on the environment impact.

Public Comments:

Mrs. Laverne Hicks, 9 Alex Way, brought in a map, pointed out Zoned various colored areas, Residential, Industrial Residential (her garden), Industrial Industrial, No Zoned Commercial. Mrs. Hicks stated that the map is current as of 8/14/12 that was obtained in a Clinton County Search.

Mr. Nolland that the decisions are based on the City of Plattsburgh Zoning Code.

Mrs. Hicks showed a field book from 7/13/1967 where her property was R1, non conforming uses. Mrs. Hicks stated that she is conforming and that Bombardier is not conforming.

Mrs. Hicks went on to state that she was a resident in 1967 and she challenges the board to give her proof that there was public notice that they were changing it to Industrial. She stated if it can't be proved, it was against the law.

Mr. Nolland stated that they have to use certain reference standards including Zoning Code and the Zoning Map which changes. Any previously conforming, now nonconforming use is now Grandfathered in. The Board is there to decide about area variances. He asked for Mrs. Hicks comments about the height of the building.

Mrs. Hicks: the building is going to be within 100 feet from her home, it will block her sunlight. They took a tour about 11:30 in the morning in what she thinks is the Planning Board. She addressed this at that time, and was told she would get it about 12:30 to 1:00 p.m.

She asked for the lighting and noise to be fixed and it has not. After 11:30 p.m. noise from the trains can be heard. She wouldn't live in her home if she did not have to. Bombardier had promised to hire 700 people. With the expansion a little over 400 will be hired. She is all for jobs, she shouldn't have to live that way and the neighbors as well. She asked them think of them before they make approvals.

Mr. Ernie Gillespie, 89 Main Mill Street: concerned about the number of trucks per hour. Has brought up to the Planning Board the number of truck traffic that has increased dramatically, the noise is crazy, his house shakes from the trucks, have to be hauling heavy frame equipment. His property has devalued, all for jobs, but requests to put this on hold and discuss it. Was invited by the Planning Board to do the tour but would not get into that. He said this expansion would cost him money.

Mr. Harold Hicks, 9 Alex Way: we had a swimming pool in the back yard when Bombardier first moved into the area. His pool was full of plastic and dust from the plant. Can't have one today because the sunlight will be taken away. At 2:00 a.m. it is noisy, he cannot sleep. When they first moved there, they discussed the noise. It's a sin, was told it is a nonconforming use by Joe and before him, Rick. We shouldn't have to put up with this. Bombardier has broke the camel's back, as soon as a decision is made, we are going to sue, we have rights.

Mr. Nolland stated he wanted to be clear about the Zoning Code there is a Zoning map that they are bound to uphold. The residential uses are Nonconforming Grandfathered uses that can continue.

Mr. Ovios stated that they were there for the height. They will go before the Planning Board for landscaping, screening, sound dampening, lighting. Noises are permitted as long as they are for the industrial use. The project as a whole is improving the area.

Mr. Nolland stated that the Planning Board deals with lighting, noise, traffic.

Mrs. LaBounty mentioned that at a previous meeting there was going to be a dedicated liason

Mr. Mulcahy stated that previously that in the past Mr. Perry, the former Building Inspector used to be very faithful in contacting them about concerns and we have done a lot of things to try to improve based on comments and concerns.

Mr. Nolland suggested that Mr. Hicks needs a number to call for noise issues in the middle of the night. One of the things the Planning Board needs to do is have a formalized way to do this.

Mr. John Seiden: in the new facility is it possible to have the deck below grade?

Mr. Ovios: The floor needs to stay flat and clean for the crane to get from one half of the facility to the other half. The crane rails will be extended at the same elevation.

Motion: In regards to Appeal # 1942, Bombardier Mass Transit, 71 Wall Street Street, To Grant a Class B Variance, to allow the height to 56'8" as proposed in the attached plans.

Motion By: Mrs. LaBounty, Seconded By Ms. Latinville

**All In Favor: 4
(Mr. Nolland, Ms. LaBounty, Ms. Latinville, Mr. DeMane)
Opposed: 0**

Motion Granted

Zoning Board Comments:

Ms. Latinville: seems like the only logical way to do it, bringing the noise to the opposite end.

Mrs. LaBounty: it's an Industrial use in an Industrial district, feels bad about neighbors who are affected, bringing everything into one enclosed area will actually make things better.

Mr. DeMane: felt that from a business standpoint had to be, concerns from audience are valid, are not truly affected by the variance

Mr. Nolland: looked at the height variance, impact at 48 feet, clearly allowed, similar at 56'8" , maybe a slight difference, consolidating things in the north end should help should help residents some, unfortunate byproduct of our zoning map, a grandfathered in nonconforming use in an Industrial District. Also think if there was some way to do this, to extend the crane lines without increasing the height, that Bombardier would have come up with a way to do it.

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APPEAL 1949

APPEAL # 1949 BOMBARDIER MASS TRANSIT, SPECIAL USE PERMIT, 71 WALL STREET,
TO ERECT 8 FOOT HIGH FENCE IN INDUSTRIAL DISTRICT

Recording time: 01:01:20

Fences and walls under the Zoning Provision 270-28 (G), item # 4 Special Use Permit Conditions: the maximum height of any wall or fence located in the rear or side yard maybe be 10 feet in a residential district and may exceed 8 feet in other districts provided that the property owner secures a Special Permit for such wall or fence and may exceed 8 feet.

The applicant is asking for an 8 foot fence. The fences help screen unwanted activity. There is a residential use right next to an Industrial use. The design is under the Planning Board. They are allowed an 8 foot fence.

Mr. DeMane read the following Zoning Provision 270-28 (G), item # 3....may not exceed 6 feet in a residential district and 8 feet and in any other district.

A fence can be up to 8 feet in another district in a side and rear yard without a special use permit. The application is for an 8 foot fence. A special use permit is required if the applicant wants to exceed that.

The fence wraps around the where the difference is between the Residential use and Industrial use.

Public Comments:

Mr. Ernie Gillespie: will the fence come through the easement?

Mr. Ovios: No

Mr. Ernie Gillespie: so trucks will coming through there, it will be noisy, residents live there. For the fencing, what's going to happen with where the grade level is, it goes down, they are going to raise that, that is going to raise the building. It is going to be a little higher on that end.

Mrs. LaBounty asked what he thought about that, was it good or bad?

Mr. Gillespie: when you raise the grade level for the fence, you have to raise it for the building.

Mr. Nolland: no

Mr. Gillespie: it has to be, that whole area is one area

Mr. Nolland: it will not go up higher than the existing building...actual roof height will continue. The question is the fence, do you think and 8 foot fence will help in some way

Mr. Gillespie: it is hard to say, they said they were not going to be noisy to begin with, this is where we are at.

Mrs. Lavern Hicks: you are talking about the fence, it doesn't help me. They have a fence around my yard. I can't sit in my living room in the evening, that is what I see, in my bedroom it's even worse. It's not going to help.

Mr. John Seiden, City of Plattsburgh: I was on this Board for many, many years. I was there at the beginning with Mayor Clyde Rabideau working hard to get these folks to come to our community. The frustrating point for me as a Board member and as a person in the community, the bottom line in Corporate America is all about the bottom line. The way you look at it is alot different from a corporation looks at it. A corporation looks at what's in it for them, and their bottom line. It justifies all their decisions to make money for their shareholders. That is where the frustration come in, because typically they are not going to do the right thing for neighbors in a community. Plattsburgh is a commodity, the people working in the facility, the neighbors. This an opportunity to hold their feet to the fire. You brought up a very good point, they have come before the board and promised the moon and when push came to shove, no one was watching them. What happened to the liaison? I think you have an opportunity here to make a couple things right. As neighbors we watch out for each other. Corporations they watch out for themselves, bottom line for their money. We see on t.v. with the Governor getting their millions of dollars, that is good for them. This is an opportunity to say Plattsburgh is not a commodity, the people and neighbors are not a commodity. They have a quality of life. Do you think these gentlemen would want that next to them in their nice homes? I wouldn't want that next to me. Make them put up a berm, make them say they are going to spend \$25,000.00 for a hedge. Hold their feet to the fire because this is a multi-billion dollar corporation throughout the world, building planes, trains, etc. This is a corporate responsibility to Plattsburgh, its people, to its neighbors. Many years have gone by that and there are things that are not right. Make them put up a berm, like the one by Jeff Titherington's place by the ferry, is private. We are thankful for the job, its about the bottom line. There is no loyalty from their hearts and souls to people. They don't have the contracts, people are in the welfare line. They get the contracts they are on the front page.

Mr. Rebel Hicks: I have listened to this for 16 years. They don't pay no taxes, they don't hire any city residents, oh a few. Put the fence 40 feet high, I don't care, I am already in prison. I am being punished every night from the noise. I have seen the promises for a nice green area, it's on paper, there is no green area. If you walked around Bombardier, there is not a foot of property that does not have a piece of steel sitting on it. The neighbors have been treated badly from the Building Inspector's Office, the Zoning Board, the Planning Board. I am going to tell you exactly the way it is. This board is not going to do nothing for the neighborhood, because you are under the impression that Bombardier brings millions of dollars into the community. That's wrong, they don't bring millions of dollars, they send it back to Canada. They spend no money here. The parts are trucked in, they have taken over the old Imperial Mill.

They ran Walmar's truck out of there, they are up in Champlain, now. They are not bringing nothing to this community. I have watched them, they load up and take them to Wall Street, they want to go to the Mill and down, going to be noisy. I know we are not on noise, but I want you to know that I am frustrated, heard it all. We have no voice, have been a resident, still a resident. Your own laws state the building has to be 300 feet from a resident. We have had it. Thank you.

An 8 foot fence is proposed. The landscaping plans will be reviewed by the Planning Board next week at their meeting. There is a proposal to heavily landscape the area. The fencing is just a portion of it. On the commercial side, a hedge is proposed, to help dampen sound. There is a full plan developed to the Planning Board. The Zoning Board approves the height. The Planning Board approves the look. There will be hedges, evergreen, and a combination of blue spruces and white spruces. The hedge along the board on board fence will be 8 feet. And a sparse planting of trees in front of that. It will allowed to grow, will be planted at 8 feet.

Mrs. Hicks: The cedars that were planted about ten years ago, all died out.

Mr. Nolland: if an 8 foot fence is proposed, a Special Use Permit will not be required. Joe, do you agree with that?

Mr. McMahon: I do

Mrs. LaBounty: it will still be part of the plans that they are bringing to the Planning Board

Mr. Nolland: Yes because their plans shows an 8 foot fence.

Mr. Ovios: The Planning Board has no implied a taller fence.

There were no public comments.

Motion: To Approve Appeal # 1949, Bombardier Mass Transit, 71 Wall Street Street, does not need a Special Use Permit for the fence that they have proposed at 8 feet and consequently this appeal is null and void. The Special Use Permit is not required in accordance with 270-28 (G), subparagraph # 3, Height in other yards which allows an 8 foot rear or side yard fence in any other district other than residential.

Motion By: Mr. DeMane, Seconded By Mrs. LaBounty

**All In Favor: 4
(By a show of hands)
(Mr. Nolland, Ms. LaBounty, Ms. Latinville, Mr. DeMane)
Opposed: 0**

Motion Granted that a Special Use Permit is not needed

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APPEAL 1948

APPEAL # 1948 BOMBARDIER MASS TRANSIT, CLASS B VARIANCE, 71 WALL STREET,
FENCE IN REQUIRED FRONT YARD, HIGHER THAN PERMITTED

Recording time: 01:26:44

This is to extend the 8 foot fence into the front yard setback area, the last 40 feet of this fencing would fall within the front yard area. The exception that is noted in the last appeal, does not include front yard areas. In order to continue that 8 foot fence along the side yard up to Main Mill Street, because the maximum allowable height of the fence in a front yard is only 4 feet.

It is 6 foot chain link along the front. The fence is about 40 years old. There are multiple gates, different height. It is proposed to be new, with barbed wire. It is needed for security, a dangerous area. All of the new fence put in was 6 foot with barbed wire. There will be landscaping between Industrial and Residential. There is an exit only at one part. It is completely along the street. There is existing chain link along the mobile home park line, Water and Sewer had installed.

There is a third party security consultant, looking at gates and camera locations. The new plans for the Planning Board include an 8 foot board on board and 6 foot chain link with 3 strands of wire. A discussion took place regarding chain link and barbed wire fence types and where it is located on the street. The barbed wire counts towards the height. This is different types of fencing. The request is to grant a request higher than 4 feet. They are asking for a 6 foot chain link fence with 3 strands of barbed wire or an 8 foot chain link instead of the barbed wire.

Motion: To Approve Appeal # 1948, Bombardier Mass Transit, 71 Wall Street, Class B Variance, A Fence In The Required Front Yard Higher Than Permitted, Provision 270-28 G (2), The Proposed Chain Link Fence Is To Be 8 Feet In Height Which Does Not Conform To The Maximum Fence Of 4 Feet, Along The Street Frontage And An 8 Foot High Board On Board Fence, Running Away From The Street Along The Property Line Between The Residential Usage Areas And Industrial. The Fence Along the Street Front Would Not Have Any Barbed Wire On It.

Motion By: Mr. DeMane, Seconded By Mrs. LaBounty

All In Favor: 4

(Mr. Nolland, Ms. LaBounty, Mrs. LaBounty, Mr. DeMane)

Opposed: 0

Motion Granted

Recording Time: 01:46:10

Zoning Board Comments

Ms. Latinville: I think the 8 foot fence is a good idea, I don't like the barbed wire idea, you've got the security cameras that are going to be facing it to take care of it, would look like a prison, like Dannemora.

Mrs. LaBounty: maintain safety and I don't think it will affect anything from a safety standpoint.

Mr. DeMane: I just think first off the board on board, we needed to continue on for the exact reason that they were putting it around there to give privacy to the homeowners, along the street scape, for security reasons, felt that it was necessary.

Mr. Nolland: I felt it was appropriate to carry on the board fence and the plantings for the noise, into the front yard portion that abutted the residential use, I didn't like the look of the concept of barbed wire right along the street, I think there are some issues that, with kids not even trying to get in but maybe playing, climbing up there, people up and down the street, I think the 8 foot fence certainly will provide a deterrant and there are other ways to make sure people don't leap the fence. I thought that that was good, and I think it will be good to protect people and security thing.

Mr. Nolland: You have been approved for your height variance, we determined that you did not need a Special Use Permit.

Mrs. LaBounty: Is it possible to send a note to the Planning Board next week asking a for a Liaison, also it has been brought to our attention that prior attempts at vegetation and things like that have died off.

Mr. Nolland: We will make that a recommendation of the Planning Board:

A. Make sure that there is a Liaison

B. Whoever does the landscaping makes sure it grows and thrives.

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APPEAL 1946

APPEAL # 1946 ADIRONDACK ADVERTISING, LLC, 178 BROAD STREET,
ADMINISTRATIVE REVIEW, DETERMINATION OF SIGN SIZE AND BUSINESSES ADVERTISED

Recording time: 01:50:28

This is an Administrative Review that was postponed from last month. The applicant was not present. Correspondence was received from the applicant's attorney stating they would not be attending tonight's meeting. At the previous meeting, Ms. Cantwell stated she might be travelling, the applicant's attorney stated that they would have a representative at tonight's meeting.

Mr. John Seiden, present from the audience, asked what the Corporate Counsel's opinion was regarding this review.

A brief history was reviewed regarding this Administrative Review. Information was presented at last month's meeting and the Board postponed on the Board's behalf because it was too much information and both the Board and Corporate Counsel needed time to look at it.

The Building Inspector's Office received complaints and a written letter of violation was issued for the size of the sign and advertising off premises businesses.

Mr. Seiden stated that he was one of the complainants.

The applicant maintained that they rent out a conference room and that they fall under the old ordinance. They seemed to indicate that they want us to make our decision without them present. After the sign appeared it was indicated that the ordinance had been read by the applicant.

Mr. Seiden stated that the applicant moved forward falsely.

A discussion took place regarding the completion of the installation, existing signs, sign message changes, fines for the sign violation, the validity of the sign permit.

Mr. Seiden also stated that he felt the Zoning Board had conducted itself appropriately.

The decision of the Building Inspector was reviewed. The size of the sign was reviewed first and was the sign installed prior to the ordinance.

Mrs. LaBounty stated that she did not think it was installed.

An Led sign has to be turned on to be working.

Mr. Weiss reviewed the sign application instructions regarding a Certificate of Compliance. The only time this could have been issued was after the sign was installed.

Mr. John Seiden, commented on the Route 3 signage in the history of his time on the Zoning Board, that a strong commitment was made by the board to be mindful of all signage. Mr. Seiden also mentioned that this was considered visual pollution and unsafe at a major intersection and he hoped that the board would stand by the decision of the Building Inspector.

Motion: I Move That It Is The Opinion Of The Zoning Board Of Appeals That The Sign At 178 Broad Street, Was Not Installed, Or Erected And Did Not Have A Certificate Of Completion Prior To November 11, 2011 At Which Point The New Ordinance Regarding Digital Signs Was Enacted And Therefore The Sign Has To Meet The Current Requirements Imposed On November 11, 2011 For Digital Signs.

Motion By: Mr. Demane, Seconded By Mr. Weiss

**All In Favor by a show of hands: 5
(Mr. Nolland, Mr. Weiss, Ms. LaBounty, Ms. Latinville, Mr. DeMane)
Opposed: 0**

The Board Upholds the Decision of the Building Inspector

Size of Sign

It has been determined that the sign was not installed and the sign must be governed by the current ordinance. The existing sign exceeds the size limits. The current sign ordinance allows for a maximum of 50 square feet of LED Signage. This sign is approximately 80 square feet. The viewing area is almost exactly 8' x 10' and the quote showed 7'10" x 10' 5". It is approximately 82 square feet, the full size of the frame is 8'3" x 10'9", the size is almost 88.68 square feet. The viewing area as opposed to the frame size was and consolidation of the signs on this building was discussed. The maximum digital is 50 square feet. Other signage is a violation. There are other signs on the building. Without the LED sign, they are allowed 150 square feet of wall signs. If the sign was the right size, 50 square feet, it would count as 100 square feet, and another 50 square feet would be allowed on the building. At 82 square feet the sign exceeds the 50 square feet. It is doubled so there is 164 square feet of wall signage. They were cited for the size of the LED sign.

Motion: That I Agree With The Decision Of The Building Inspector That It Is Greater Than What Is Allowed In The Ordinance (Upholding), Than The 50 Square Feet Allowed In The Ordinance.

By Mrs. LaBounty, Seconded by: Ms. Latinville

**All In Favor by a show of hands: 5
(Mr. Nolland, Mr. Weiss, Ms. LaBounty, Ms. Latinville, Mr. DeMane)
Opposed: 0**

The Board Upholds the Decision of the Building Inspector

Messages for Offsite Businesses

The Code for Permissible Signs, 270-26 paragraph "F" was read into the record: Signs shall be limited to advertising the legal use of the premises on which they are located. Any sign not expressly permitted by provisions of this section is expressly prohibited.

Paragraph "G" was read into the record: the following requirements shall apply to all signs.

#8 Billboard Signs: it should be unlawful for any person to erect, alter or relocate any billboard sign as defined in this section. At the last meeting the applicant's attorney referenced a billboard. Clearly Billboard Signs are not allowed. Paragraph Q, #9 of the new Code, Pre Existing Visual Signs, was referenced, the remaining part of the code was left out during this reference, "A sign installed with a sign permit prior to November 1, 2011, which is a digital sign as defined herein, is permitted to remain until the sign is replaced. The code goes on to say: that provided however, such signs shall conform to the requirements of this subsection if these requirements can be complied without replacing the sign. This means the intensity, number of times it changes, the length. # 6 in subsection "Q", Message Content, Digital Signs may not display messages about goods or services that are not sold or delivered on the premises where the signs are located. The new Code says the pre existing signs still need to conform to this code. The attorney referenced that the sign was under the old Code. A discussion continued regarding current LED signage and the conference room that is rented out in regards to offsite businesses.

Motion: To Uphold The Decision Of The Building Inspector That Messages Are Being Displayed For Offsite Businesses.

By Ms. Latinville, Seconded by: Mr. Demane

All In Favor by a show of hands: 5

(Mr. Nolland, Mr. Weiss, Ms. LaBounty, Ms. Latinville, Mr. DeMane)

Opposed: 0

The Board Upholds the Decision of the Building Inspector

APPROVAL OF MINUTES

There were no minutes approved at this time.

ADJOURNMENT

Motion to Adjourn:

By Mr. Weiss, seconded by Mr. DeMane

(Mr. Nolland, Mrs. LaBounty, Ms. Latinville, Mr. DeMane, Mr. Weiss)

All In Favor: 5

Opposed: 0

The Meeting was adjourned at 9:51 p.m.

Respectfully submitted by:

Debra Jarvis
Zoning Board Secretary